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Fax 212.425.5288**Fax Transmission**From: **Tesha Ramos**

Date: February 21, 2007

Direct Dial: 212.908.6855

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Client/Matter: 10191/2195

Total number of page: 19

U.S. Patent Application Serial No.: 10/416,965

*Please deliver to:*

Name	Company	Fax	Phone
Examiner Kenneth Tang	U.S. Patent and Trademark Office	571 273-8300	

**Comment:**

Dear Mr. Tang,

Attached please find copies of the Return Receipt Post Card, Response to Missing Parts, Notice to File Missing Parts of Application dated August 14, 1998 and Combined Declaration and Power of Attorney for Patent Application as filed on November 16, 1998 in connection with the above-identified application.

Also in review of the Office Action mailed March 11, 2005, it is noted that the foreign references cited in an Information Disclosure Statement and PTO-1449 filed on February 9, 2005 was not acknowledged due to lack of compliance of § 1.97(e). However, the Information Disclosure Statement filed on February 9, 2005 included a paragraph 3 citing 1.97(e)(1) as follows:

Applicants' attorney certified that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

We also attach a copy of the Information Disclosure Statement and 1449 filed on February 9, 2005 for your review. It is respectfully requested that the Information Disclosure Statement and 1449 be reviewed and an initialed copy of the PTO-1449 issued.

Tesha Ramos  
Legal Assistant to Gerard A. Messina, Reg. No. 35,952

Case No. 10191/789  
Ser. No. 09/118,234

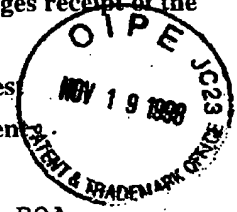
Atty. RLM  
Due Date

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- ☐ Application
- ☐ Amendment
- ☐ Assignment
- ☐ Notice of Appeal
- ☐ Prior Art Statement
- ☐ Appeal Brief

- ☒ Extension Request
- ☐ Priority Document
- ☐ Issue Fee
- ☒ Declaration & POA
- ☐ Small Entity
- ☒ Deposit Acct 11-0600

11/16/98



**Kenyon & Kenyon**

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New York, N.Y. 10004



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<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>			
<b>RESPONSE TO NOTICE TO FILE</b> <b>MISSING PARTS OF APPLICATION --</b> <b>FILING DATE GRANTED</b>		Docket Number: <b>10191/789</b>	
Application Number <b>09/118,234</b>	Filing Date <b>July 17, 1998</b>	Examiner	Art Unit <b>3747</b>
Invention Title <b>CONTROL UNIT FOR A SYSTEM AND A</b> <b>METHOD OF OPERATING A CONTROL UNIT</b>		Inventor(s) <b>MAYER et al.</b>	
<p>Assistant Commissioner for Patents Washington D.C. 20231 Attention: Box Missing Parts</p> <p>To complete the filing requirements for the above-referenced application under 37 C.F.R. § 1.51, enclosed please find a signed Declaration and Power of Attorney. A copy of the Notice to File Missing Parts of Application mailed August 14, 1998, is enclosed.</p> <ol style="list-style-type: none"> <li>The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.16(e) surcharge fee of <b>\$130.00</b> for the late filing of the Declaration to the deposit account of <b>Kenyon &amp; Kenyon</b>, deposit account number <b>11-0600</b>.</li> <li>Applicants hereby request a <b>one-month extension of time</b> for responding to the Office Action of August 14, 1998, which set a <b>two-month</b> period for response. The extended period for response expires on November 14, 1998. Please charge the <b>\$110.00</b> extension fee to the deposit account of <b>Kenyon &amp; Kenyon</b>, deposit account number <b>11-0600</b>.</li> </ol> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231, on</p> <p>Date <u>11/16/98</u> Atty's Reg. # <u>22 490</u></p> <p>Atty's Signature <u>Richard L. Mayer</u>  <b>RICHARD L. MAYER</b>  <b>KENYON &amp; KENYON</b></p>			

41481

3. A duplicate copy of this sheet is enclosed.

Dated: 11/16, 1998

By: Richard L. Mayer  
Richard L. Mayer  
Reg. No. 22,490

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One Broadway  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/118,234	07/17/98	MAYER	R 10191/789

0242/0814

NOT ASSIGNED

RICHARD L. MAYER  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

3747

DATE MAILED:

08/14/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 130.

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$\_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$\_\_\_\_\_, including any multiple dependent claim fees, are required.

\$\_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$\_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$\_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unexecuted.

☐ does not cover the newly submitted items.

☐ does not identify the application to which it applies.

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

FORM PTO-1533 (REV.9-97)